

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOE HAND PROMOTIONS, INC.,

Plaintiff,

vs.

**Case No.: 2:18-CV-01014
JUDGE GEORGE C. SMITH
Magistrate Judge Deavers**

GLEN ACORD, et al.,

Defendants.

ORDER

On January 23, 2019, the United States Magistrate Judge issued a Report and Recommendation that the Court enter default judgment against Defendant Acords Pizza Sub & Pub, Inc. (“Acords Pizza”) for failure to secure counsel and file a response to the Complaint on behalf of the corporation. (*See* Doc. 24). The parties were advised of their right to object to the Report and Recommendation. This matter is now before the Court on Defendant Glen Acord’s letter to the Court that could be construed as an Objection to the Magistrate Judge’s Report and Recommendation on behalf of Defendant Acords Pizza. (Doc. 28). Plaintiff has not filed a response. The Court reviews *de novo* those portions of the Report and Recommendation to which an objection has been made. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b)(3). *De novo* review in these circumstances requires at least a review of the evidence before the magistrate judge; the Court may not act solely on the basis of a magistrate judge’s report and recommendation. *Hill v. Duriron Co.*, 656 F.2d 1208, 1215 (6th Cir. 1981).

Defendant Glen Acord objects to the Magistrate Judge’s Report and Recommendation that the Court enter default judgment against Defendant Acords Pizza. (Doc. 28). He argues that default judgment is improper because he ordered the “fight” from a third-party (“Dish”) and

offered to pay Plaintiff the approximate amount of money made from showing the “fight” at his establishment. (*Id.*). However, Defendant Glen Acord, a non-lawyer, cannot represent Defendant Acords Pizza in this action. As noted in the Report and Recommendation, the Court has advised Defendant Acords Pizza on three occasions that Defendant Glen Acord may not represent it in this action. (Doc. 24 at 1-2).

As of the date the Magistrate Judge entered the Report and Recommendation, no attorney had entered an appearance on behalf of Defendant Acords Pizza or filed a response to the Complaint on its behalf. (*Id.*). No attorney has subsequently entered an appearance on behalf of Defendant Acords Pizza or filed an objection to the Report and Recommendation on its behalf. While Defendant Glen Acord may be dissatisfied with the Report and Recommendation, he cannot represent Defendant Acords Pizza in this action. Defendant Glen Acord, a non-lawyer, cannot enter an objection to the Magistrate Judge’s Report and Recommendation on behalf of Defendant Acords Pizza. Therefore, under these circumstances, the Magistrate Judge was correct in recommending that default be entered against Defendant Acords Pizza Sub & Pub, Inc.

For the reasons stated above, the Magistrate Judge’s Report and Recommendation is hereby **ADOPTED AND AFFIRMED**.

The Clerk of this Court shall enter default against Defendant Acords Pizza Sub & Pub, Inc. and, once default is entered, Plaintiff shall be permitted to move for default judgment against this Defendant. Plaintiff shall specify the amount of damages sought and provide support in the motion.

IT IS SO ORDERED.

s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT